

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BOMBARDIER INC.,  
Plaintiff,

v.

MITSUBISHI AIRCRAFT  
CORPORATION, MITSUBISHI  
AIRCRAFT CORPORATION AMERICA,  
INC., et al.,  
Defendants.

No. 2:18-cv-1543 JLR

DECLARATION OF JAMES SANDERS IN  
SUPPORT OF DEFENDANT MITSUBISHI  
AIRCRAFT CORPORATION'S SUR-REPLY  
IN OPPOSITION TO PLAINTIFF'S  
UPDATED MOTION FOR PRELIMINARY  
INJUNCTION

ORIGINAL NOTE ON MOTION  
CALENDAR:

MAY 17, 2019

James Sanders declares as follows:

1. I am a partner in the law firm of Perkins Coie LLP and one of the attorneys representing Mitsubishi Aircraft Corporation Japan ("MITAC") in this action. I make this declaration based on personal knowledge of the events and matters described here.

2. On May 20, 2019, I and several other counsel for MITAC met with Bombardier's counsel in their offices. During this meeting, we provided Bombardier counsel with highlighted copies of the two erroneous statements quoted on page 3 of MITAC's Sur-Reply and asked that they file an amended brief correcting the misstatements. Counsel for Bombardier stated that they would raise the issue with Bombardier and then get back to us.

DECLARATION OF JAMES SANDERS  
(NO. 2:18-CV-1543 JLR) – 1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

s/ James Sanders

James Sanders, WSBA No. 24565

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that on May 22, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 22nd day of May 2019.

s/ James Sanders

James Sanders, WSBA No. 24565

**Perkins Coie LLP**

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

jsanders@perkinscoie.com

# Exhibit A

**Sanders, James (SEA)**

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**From:** John Denkenberger <john.denkenberger@cojk.com>  
**Sent:** Monday, May 20, 2019 6:05 PM  
**To:** Riedinger, Jerry A. (SEA); John Whitaker; Brian McMahon; Gaston, Mary Z. (SEA)  
**Cc:** Jeffrey Danley; Todd Ziegenbein; Sanders, James (SEA); Shultz, Mack H. (SEA); Alfonso, Shylah R. (SEA)  
**Subject:** RE: Redactions

Jerry,

Thank you for your time today. As promised, I spoke with Bombardier about your request for us to file an amended reply brief. We respectfully decline to amend.

Please let me know if you have questions.

Thanks,  
John

---

**From:** Riedinger, Jerry A. (Perkins Coie) [mailto:JRiedinger@perkinscoie.com]  
**Sent:** Monday, May 20, 2019 10:59 AM  
**To:** John Whitaker; Brian McMahon; Gaston, Mary Z. (Perkins Coie)  
**Cc:** John Denkenberger; Jeffrey Danley; Todd Ziegenbein; Sanders, James (Perkins Coie); Shultz, Mack H. (Perkins Coie); Alfonso, Shylah R. (Perkins Coie)  
**Subject:** RE: Redactions

Thanks John. We can meet at 2:30. See you then.

Jerry

**Jerry A. Riedinger | Perkins Coie LLP**  
1201 Third Avenue Suite 4900  
Seattle, WA 98101-3099  
Direct 206.359.8664  
Cell 425.985.9469  
Fax 206.359.9664  
Email [JRiedinger@perkinscoie.com](mailto:JRiedinger@perkinscoie.com)

**From:** John Whitaker <John.Whitaker@cojk.com>  
**Sent:** Monday, May 20, 2019 10:18 AM  
**To:** Riedinger, Jerry A. (SEA) <JRiedinger@perkinscoie.com>; Brian McMahon <brian.mcmahon@cojk.com>; Gaston, Mary Z. (SEA) <MGaston@perkinscoie.com>  
**Cc:** John Denkenberger <john.denkenberger@cojk.com>; Jeffrey Danley <Jeffrey.Danley@cojk.com>; Todd Ziegenbein <Todd.Ziegenbein@cojk.com>; Sanders, James (SEA) <JSanders@perkinscoie.com>; Shultz, Mack H. (SEA) <MShultz@perkinscoie.com>; Alfonso, Shylah R. (SEA) <SAfonso@perkinscoie.com>  
**Subject:** Re: Redactions

Hello again Counsel,

Following up on my message below. We have secured a court reporter for 2:30pm here in our offices. Please confirm that you will be able to attend this meet and confer.

Regards,

John

----- Original Message -----

From: "John Whitaker" <[John.Whitaker@cojk.com](mailto:John.Whitaker@cojk.com)>

To: "Riedinger, Jerry A. (Perkins Coie)" <[JRiedinger@perkinscoie.com](mailto:JRiedinger@perkinscoie.com)>; "Brian McMahon" <[brian.mcmahon@cojk.com](mailto:brian.mcmahon@cojk.com)>; "Gaston, Mary Z. (Perkins Coie)" <[MGaston@perkinscoie.com](mailto:MGaston@perkinscoie.com)>

Cc: "John Denkenberger" <[john.denkenberger@cojk.com](mailto:john.denkenberger@cojk.com)>; "Jeffrey Danley" <[Jeffrey.Danley@cojk.com](mailto:Jeffrey.Danley@cojk.com)>; "Todd Ziegenbein" <[Todd.Ziegenbein@cojk.com](mailto:Todd.Ziegenbein@cojk.com)>; "Sanders, James (Perkins Coie)" <[JSanders@perkinscoie.com](mailto:JSanders@perkinscoie.com)>; "Shultz, Mack H. (Perkins Coie)" <[MShultz@perkinscoie.com](mailto:MShultz@perkinscoie.com)>; "Alfonso, Shylah R. (Perkins Coie)" <[SAlfonso@perkinscoie.com](mailto:SAlfonso@perkinscoie.com)>

Sent: 5/20/2019 7:58:13 AM

Subject: Re: Redactions

Hello Jerry,

It seems that there are several important things we need to confer about soon. So we think it makes the most sense to meet in person and have a court reporter capture the meeting so we can all refer back to what was discussed and decided without relying on anyone's memories or notes. We are attempting to line up the court reporter for this afternoon, so please let us know if there are any times that work best for you.

Regards,

John

----- Original Message -----

From: "Riedinger, Jerry A. (Perkins Coie)" <[JRiedinger@perkinscoie.com](mailto:JRiedinger@perkinscoie.com)>

To: "Brian McMahon" <[brian.mcmahon@cojk.com](mailto:brian.mcmahon@cojk.com)>; "Gaston, Mary Z. (Perkins Coie)" <[MGaston@perkinscoie.com](mailto:MGaston@perkinscoie.com)>; "John Whitaker" <[John.Whitaker@cojk.com](mailto:John.Whitaker@cojk.com)>

Cc: "John Denkenberger" <[john.denkenberger@cojk.com](mailto:john.denkenberger@cojk.com)>; "Jeffrey Danley" <[Jeffrey.Danley@cojk.com](mailto:Jeffrey.Danley@cojk.com)>; "Todd Ziegenbein" <[Todd.Ziegenbein@cojk.com](mailto:Todd.Ziegenbein@cojk.com)>; "Sanders, James (Perkins Coie)" <[JSanders@perkinscoie.com](mailto:JSanders@perkinscoie.com)>; "Shultz, Mack H. (Perkins Coie)" <[MShultz@perkinscoie.com](mailto:MShultz@perkinscoie.com)>; "Alfonso, Shylah R. (Perkins Coie)" <[SAlfonso@perkinscoie.com](mailto:SAlfonso@perkinscoie.com)>

Sent: 5/19/2019 7:36:40 PM

Subject: RE: Redactions

Brian, I just asked John for a meet-and-confer regarding erroneous assumptions in Bombardier's May 17 Preliminary Injunction Reply. We can discuss all three subjects in that meeting.

Regards,

Jerry

**Jerry A. Riedinger | Perkins Coie LLP**

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